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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,467	02/27/2004	James R. Stelzer	5887-307U1	8565

570 7590 05/29/2008

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EXAMINER	
WONG, JEFFREY KEITH	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
05/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/789,467	STELZER ET AL.	
	Examiner	Art Unit	
	Jeffrey K. Wong	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,12,14-16,18 and 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,12,14-16,18 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-5, 12, 14-16, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (US 6,015,344) in view of Wells (US Pub. No. 2003/0064805).

Regarding claims 3-5, 12, 14, 16, 21:

Kelly discloses an amusement system comprising:

(a) a communication link having a communication medium and a wireless sub- system, the communication medium including a wireless broadcast signal (figure 4, Col 13:10-Col 14:10);

(b) a first and third (In this case, the first and third devices are identical and considered to be another instance of the same device on the system of multiple devices. Please see figure 4 and the details description thereof) amusement devices, each having a video touch screen (figure 2, 8:13), a controller (feature 12, Col 7:20-40, Col 14:10-36), an input component (the video touch screen, or any of the listed components for feature 16, Col 8:1-25), and a memory (feature 30 and 32), the memory of the first amusement

device storing a plurality of video games playable on the first amusement device using at least the video touch screen (Col 14:20-36, Col 16:16-32), the first amusement device being operable upon receipt by the input component of at least one of coins, currency, and a credit card/debit card (feature 14, Col 7:40-67); and

(c) a second amusement device having an audio output(figure 11), a controller and a memory configured to store and retrieve music files(feature 12, Col 7:20-40, Col 14:10-36), the second amusement device being coupled to the first and third amusement devices by the communication link(figure 4, Col 13:10-14:10).

The wireless sub-system including:

A wireless adapter coupled to the first amusement device (Col 14:1-10), the first wireless adapter encoding communication signals onto the wireless broadcast signal and decoding communication signals from the wireless broadcast signal; and regarding the second and third wireless adapter, as stated above, the second and third machine in the system of Kelly is merely another instance of the first machine an therefore includes all of the features and components of the first.

Kelly does not explicitly disclose the ability for the user to access the controller of the second amusement device to cause the controller of the second amusement device to retrieve one of the music files stored from the memory of the second amusement device and output the retrieved music file to the audio output of the second amusement device. In a related patent publication, Wells teaches such an implementation wherein the user can be presented with a musical, movie or broadcast event selection upon request by storing and retrieving the required files onto the device ([0015] and [0023]) and

outputting them to the video and audio output [0014]. Wells and Kelly are analogous art because they both teach wireless amusement systems. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to apply the known technique of allowing users to play multimedia and audio files on the amusement devices in order to yield the predictable result of increased enjoyment and entertainment to the users as it is well known that people like to be able to select their own music while playing games or watch entertainment programs if they wish to take a break from gaming. This feature increases the capability of the game device whereby increasing its appeal of not only patrons who wish to play games, but also those who wish to enjoy multimedia presentations as well which increases usage of the machine and revenue for owners.

Regarding claim 15, the broadcast signal is in the range of radio frequency (Col 14:10).

Regarding claim 18, wherein the communication link forms a wireless local area network (Col 17:59-67).

Response to Arguments

Applicant's arguments filed 4/1/2008 have been fully considered but they are not persuasive. Applicant alleges that both Kelly and Wells fail to teach, suggest, or disclose a user of a first amusement device accessing the controller of a second amusement device to retrieve a music file for output by the second amusement device.

The Examiner disagrees. Wells discloses in paragraph 3 of how gaming machines are utilizing computing architectures developed for personal computers. It is well known to one skilled in the art that personal computers allow a person to remotely access separate computers similarly to the limitation disclosed. For example, telecommunication companies allow users to access their work computer from the confines of their own homes as if they were in front of their work computer. Wells discloses in paragraph 10 and 12 of the use of wireless hand-held devices that can be used as means of communicating with a master gaming controller via wireless communications interface and can be considered a remote extension of the licensed gaming machine. Wells' disclosure of the remote extension of a gaming machines is viewed as reading on the limitation. An extension of a gaming machine means that another device can be used to control the gaming machine. It is also well known to one skilled in the art that networking can allow a user to use a device, being it a portable or stationary device, to interface with a second device remotely as if that person was using the second device. However, to further elaborate, Wells discloses in paragraph 13 of how there are embodiments that use well established wireless communications protocols as a means of interfacing between gaming machines which clearly indicates that remotely interfacing with one device with another is well known and actually expected.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey K. Wong whose telephone number is (571)270-3003. The examiner can normally be reached on M-Th 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714

JKW